

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

TERRY LANGSTON,

Plaintiff,

v

CENTER FOR FAMILY HEALTH,

Defendant.

Civil Case No.: 22-CV-11883

Honorable Terence G. Berg

Magistrate Judge: Kimberly G.  
Altman

**ANSWER TO COMPLAINT, TOGETHER WITH  
AFFIRMATIVE DEFENSES, AND CERTIFICATE OF SERVICE**

NOW COMES the defendant, CENTER FOR FAMILY HEALTH by and through its attorneys, KITCH DRUTCHAS WAGNER VALITUTTI & SHERBROOK, saving and reserving unto itself all right and manner of benefit and exception to the many insufficiencies and inaccuracies in the plaintiff's Complaint contained, and for its answer thereto, or to so much as it is advised it is necessary or material for it to answer, says:

**INTRODUCTION**

1. Answering paragraph 1 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

## **JURISDICTION AND PARTIES**

2. Answering paragraph 2 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

3. Answering paragraph 3 of said Complaint, defendant admits the allegations contained therein.

4. Answering paragraph 4 of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

5. Answering paragraph 5 of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

6. Answering paragraph 6 of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

7. Answering paragraph 7 of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

### **FACTUAL ALLEGATIONS**

8. Answering paragraph 8 of said Complaint, defendant repeats and realleges all answers set forth in paragraphs 1 through 7 of this Answer as though set forth in full herein, and the same are adopted by reference.

9. Answering paragraph 9 of said Complaint, defendant admits the allegations contained therein.

10. Answering paragraph 10 of said Complaint, defendant admits plaintiff worked as a consultant and was hired in 2013; as to all remaining allegations, defendant denies them as untrue and/or untrue in the manner and form alleged.

11. Answering paragraph 11 of said Complaint, defendant admits plaintiff's title changed to Communications and Development Officer in 2016; as to all remaining allegations, they are denied in the manner and form alleged.

12. Answering paragraph 12 of said Complaint, defendant admits plaintiff's title changed to Director of Communication and Advocacy in 2018; as to all remaining allegations, they are denied in the manner and form alleged.

13. Answering paragraph 13 of said Complaint, defendant admits plaintiff was terminated on May 17, 2022; as to all remaining allegations, they are denied in the manner and form alleged.

14. Answering paragraph 14 of said Complaint, defendant admits the allegations contained therein.

15. Answering paragraph 15 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

16. Answering paragraph 16 of said Complaint, defendant admits the allegations contained therein.

17. Answering paragraph 17 of said Complaint, defendant admits the allegations contained therein.

18. Answering paragraph 18 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

19. Answering paragraph 19 of said Complaint, defendant admits the allegations contained therein.

20. Answering paragraph 20 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

21. Answering paragraph 21 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

22. Answering paragraph 22 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

23. Answering paragraph 23 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

24. Answering paragraph 24 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

25. Answering paragraph 25 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

26. Answering paragraph 26 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

27. Answering paragraph 27 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

28. Answering paragraph 28 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

29. Answering paragraph 29 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

30. Answering paragraph 30 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

31. Answering paragraph 31 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

32. Answering paragraph 32 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

33. Answering paragraph 33 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

34. Answering paragraph 34 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

35. Answering paragraph 35 of said Complaint, defendant admits the allegations contained therein.

36. Answering paragraph 36 of said Complaint, defendant admits the allegations contained therein.

37. Answering paragraph 37 of said Complaint, upon information and belief defendant admits the allegations contained therein.

38. Answering paragraph 38 of said Complaint, defendant admits the allegations contained therein.

39. Answering paragraph 39 of said Complaint, defendant admits that plaintiff was terminated on May 17, 2022; as to all remaining allegations, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

40. Answering paragraph 40 of said Complaint, defendant admits the allegations contained therein; by way of further answer, plaintiff was told other reasons as to why he was being terminated.

41. Answering paragraph 41 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

42. Answering paragraph 42 of said Complaint, defendant admits the allegations contained therein.

43. Answering paragraph 43 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

44. Answering paragraph 44 of said Complaint, defendant admits the allegations contained therein.



45. Answering paragraph 45 of said Complaint, defendant admits the allegations contained therein.

46. Answering paragraph 46 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue in the manner and form alleged.

47. Answering paragraph 47 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

48. Answering paragraph 48 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

49. Answering paragraph 49 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

50. Answering paragraph 50 of said Complaint, defendant admits plaintiff hired outside consultants; as to all remaining allegations, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

51. Answering paragraph 51 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or

sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

52. Answering paragraph 52 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

53. Answering paragraph 53 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

54. Answering paragraph 54 of said Complaint, defendant admits the allegations contained therein.

55. Answering paragraph 55 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

56. Answering paragraph 56 of said Complaint, defendant admits the allegations contained therein.

57. Answering paragraph 57 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

58. Answering paragraph 58 of said Complaint, defendant admits the allegations contained therein.

59. Answering paragraph 59 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

60. Answering paragraph 60 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue in the manner and form alleged.

61. Answering paragraph 61 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

62. Answering paragraph 62 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

63. Answering paragraph 63 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

64. Answering paragraph 64 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

65. Answering paragraph 65 of said Complaint, defendant neither admits nor denies the allegations contained therein for lack of knowledge or sufficient information upon which to form a belief thereto and leaves the plaintiff to his strict proofs thereof.

66. Answering paragraph 66 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

67. Answering paragraph 67 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

68. Answering paragraph 68 of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

**COUNT I – DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 1981**

69. Answering paragraph 69, Count I of said Complaint, defendant repeats and realleges all answers set forth in paragraphs 1 through 68 of this Answer as though set forth in full herein, and the same are adopted by reference.

70. Answering paragraph 70, Count I of said Complaint, defendant admits the allegations contained therein.

71. Answering paragraph 71, Count I of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

72. Answering paragraph 72, Count I of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

73. Answering paragraph 73, Count I of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

74. Answering paragraph 74, Count I of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

75. Answering paragraph 75, Count I of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

## **COUNT II – DISCRIMINATION IN VIOLATION OF ELCRA**

76. Answering paragraph 76, Count II of said Complaint, defendant repeats and realleges all answers set forth in paragraphs 1 through 75 of Count I of this Answer as though set forth in full herein, and the same are adopted by reference.

77. Answering paragraph 77, Count II of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

78. Answering paragraph 78, Count II of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

79. Answering paragraph 79, Count II of said Complaint, defendant neither admits nor denies the allegations contained therein as the same call for a legal conclusion and plaintiff is left to his strict proofs thereof.

80. Answering paragraph 80, Count II of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

81. Answering paragraph 81, Count II of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

82. Answering paragraph 82, Count II of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

83. Answering paragraph 83, Count II of said Complaint, defendant denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, defendant asks that plaintiff's Complaint be dismissed as to defendant, with costs and attorneys' fees to defendant most unjustly sustained.

Respectfully submitted,

KITCH DRUTCHAS WAGNER  
VALITUTTI & SHERBROOK

By: s/Karen B. Berkery  
Karen B. Berkery P38698  
Attorneys for Defendant Center for  
Family Health  
One Woodward Ave., Suite 2400  
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karen.berkery@kitch.com

Dated: September 6, 2022

### **AFFIRMATIVE DEFENSES**

NOW COMES the defendant herein, by its attorneys, KITCH DRUTCHAS WAGNER VALITUTTI & SHERBROOK, and by way of Affirmative Defenses, states that it will rely upon and insist in its defense and demands reply hereto:

1. Plaintiff was not discriminated against because of his race.
2. Plaintiff did not have a contract with defendant.
3. Defendant would not have acted differently but for plaintiff's race.
4. That any alleged damages sustained by the plaintiff were proximately caused, totally or in part, by plaintiff's negligence and/or willful acts and that any recovery by plaintiff must, therefore, be diminished in whole or in part.
5. That all or portions of plaintiff's Complaint fail to state a claim upon which relief can be granted.
6. That there was a failure of consideration with respect to the alleged contract or promises claimed by plaintiff herein.
7. The plaintiff's Complaint and the relief sought therein is barred in whole or in part by the legal and equitable doctrines of waiver, estoppel, unclean hands, and laches.



8. Plaintiff failed to make every reasonable effort to mitigate, prevent and/or reduce his alleged damages and injuries.

9. That defendant reserves the right to add to its answer and to rely upon all affirmative defenses as may be hereafter disclosed by way of discovery.

WHEREFORE, defendant prays that this suit be dismissed as to it, with costs and attorneys' fees to this defendant most unjustly sustained.

Respectfully submitted,

KITCH DRUTCHAS WAGNER  
VALITUTTI & SHERBROOK

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karen.berkery@kitch.com

Dated: September 6, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Noah S. Hurwitz.

s/Karen B. Berkery  
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